



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Long Nguyen  
Sid Richardson Carbon and Energy Company  
201 Main Street, Suite 3000  
Fort Worth, Texas 76102

JAN 30 2017

**Re: Requirement to Provide Information Pursuant to the Clean Air Act**

Dear Mr. Nguyen:

The United States Environmental Protection Agency (EPA), pursuant to section 114(a) of the Clean Air Act (CAA), 42 U.S.C. Section 7414(a), hereby requires Sid Richardson Carbon Company (SRCC), to provide certain information to the EPA regarding its Borger, Texas facility.

Within the enclosed information request, the EPA is requiring SRCC to install, calibrate, maintain and operate continuous emission monitoring (CEM) systems on emission points at the Borger facility. This request is made under the authorities granted to the Administrator under Section 114(a) of the CAA. Section 114(a) authorizes EPA to require any person who owns or operates any emission source, on a one-time or continuous basis, to provide information, including the installation, use, and maintenance of monitoring equipment for the purpose of determining whether such person is in violation of any provision of the Act. The Administrator has delegated this authority to the Director of the Air Enforcement Division.

In responding to this request, use the instructions and definitions in Enclosure 1, and follow the procedures and requests contained in Enclosure 2.

Your response to this information request must be certified by a duly authorized officer or agent of SRCC by signing the enclosed Statement of Certification (Enclosure 3) and returning it with your response. All information submitted in response to this information request must be certified as true, correct, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of SRCC.

Failure to provide the required information may result in the initiation of a civil action pursuant to Section 113(b) of the Act, 42 U.S.C. § 7413(b). In addition, knowingly

providing false information in response to this information request may be actionable under Section 113(c) of the Act, 42 U.S.C. § 7413(c), and 18 U.S.C. §§ 1001, 1341. The information you provide may be used by EPA in administrative, civil, and criminal proceedings.

You are entitled to assert a business confidentiality claim, covering all or part of the information that this information request requires, except that no such claim can be made with respect to emission data as defined at 40 C.F.R. § 2.301(a)(2). Any such business confidentiality claim must be made in accordance with the procedures described at 40 C.F.R. § 2.203(b) and Enclosure 4. EPA will provide the public with information subject to a claim of business confidentiality only in accordance with the procedures set forth at 40 C.F.R. Part 2, subpart B. EPA may provide the public with any information not subject to such a claim without further notice to you. The required submission of information pursuant to Section 114 of the Act is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

EPA requires the installation of the CEMs on the emission points identified in Enclosure 2 no later than the schedule identified in Enclosure 2. Please submit your required response to this request to:

Mr. Shaun Burke  
U.S. Environmental Protection Agency  
William Jefferson Clinton Building Room 2117C  
1200 Pennsylvania Ave NW  
Washington, DC 20004

Mr. John L. Jones  
U.S. Environmental Protection Agency  
Mail Code 6EN-AA  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

If you have any questions regarding this information request, please contact Mr. Burke, at (202) 564-1039.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip A. Brooks", written in a cursive style.

Phillip A. Brooks, Director  
Air Enforcement Division

Cc (via email): Carlos Evans, EPA Region 6  
Elias Quinn, DOJ  
John Jones, EPA Region 6  
Patrick Foley, EPA Air Enforcement Division  
Kellie Ortega, EPA Air Enforcement Division

**Enclosure 1**  
**Instructions, Electronic Submissions and Definitions**

**Instructions**

Where specific response is required under this information request:

1. Indicate on each document produced in response to this information request, or in some other reasonable manner, the number of the question to which it corresponds.
2. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
3. Where documents or information necessary for a response are neither in your possession nor available to you, indicate in your response why such documents or information is not available or in your possession and identify any source that either possesses or is likely to possess such information.
4. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify the EPA as soon as possible.
5. If the Company has previously submitted a response in whole or in part to any of the questions set forth in Appendix 2, please indicate in your response the specific date of the previous response and the Bates numbers for the documents that are responsive.

**Electronic Submissions**

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel format, and not in image format. If Excel format are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel.
2. Provide submission on physical media such as compact disc, flash drive, or other similar item.
3. Provide a table of contents for each compact disc or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. We



recommend the use of electronic file folders organized by question number. In addition, each compact disc or flash drive should be labeled appropriately (e.g., Company Name, Disc 1 of 4 for Information Request Response, Date of Response).

4. Documents claimed as CBI must be submitted on separate discs/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Enclosure 4 for designating information as CBI.
5. Certify that the attached files have been scanned for viruses and indicate what program was used.

### **Definitions**

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 et seq. or applicable regulations or state implementation plan.

1. The term “Calibration Drift (CD)” shall mean the difference in the CEMS output readings from the established reference value after a stated period of operation during which no unscheduled maintenance, repair, or adjustment took place.
2. The term “Continuous Emission Monitoring System (CEMS)” shall mean the total equipment required for the determination of a gas emission rate calculated in pounds per hour (lb/hr) of each pollutant. The sample interface, pollutant analyzer, diluent analyzer, flow monitor and data recorder are the major subsystems of the CEMS. All CEMS must be installed and operated in accordance with 40 C.F.R. Part 60, specifically, 40 C.F.R. 60.13, and 40 C.F.R. 60 Appendix B.
3. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hardcopy should also include attachments to or enclosures with any document.
4. The term “NSPS” shall mean the Standards of Performance for New Stationary Sources promulgated at 40 C.F.R. Part 60.
5. The terms “relate to,” “in relation to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to,

stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating, or relevant to.

6. The term “Relative Accuracy (RA)” shall mean the absolute mean difference between the gas concentration or emission rate determined by the CEMS and the value determined by the reference method (RM), plus the 2.5 percent error confidence coefficient of a series of tests, divided by the mean of the RM tests or the applicable emission limit.
7. The term “tail gas” shall mean the gaseous by-product of the carbon black process, which is generated during periods when there is oil feed to a reactor.

## **Enclosure 2**

### **Request for Information**

SRCC must install CEMS at the following emission sources, collect data from these CEMS for a period no less than 150 operating days, and submit that emission data, as well as other information requested for Borger, Texas facility, in accordance with the requirements of Enclosures 1 and 2 of this request:

#### **Installation Locations**

1. For the Borger, Texas, facility a NO<sub>x</sub> CEMS must be installed on the Boiler 1 and 2 shared emission point: EPN-119. This CEMS must be installed, operated and maintained to continually monitor and record NO<sub>x</sub> emissions from emission point EPN-119.
2. For the Borger, Texas, facility a SO<sub>2</sub> CEMS must be installed on the Boiler 1 and 2 shared emission point: EPN-119. This CEMS must be installed, operated and maintained to continually monitor and record SO<sub>2</sub> emissions from emission point EPN-119.
3. For the Borger, Texas, facility a NO<sub>x</sub> CEMS must be installed on the Plant 2 dryer Stack, emission point: EPN-122. This CEMS must be installed, operated and maintained to continually monitor and record SO<sub>2</sub> emissions from emission point EPN-122.
4. For the Borger, Texas, facility a SO<sub>2</sub> CEMS must be installed on the Plant 2 dryer Stack, emission point: EPN-122. This CEMS must be installed, operated and maintained to continually monitor and record SO<sub>2</sub> emissions from emission point EPN-122.

#### **Schedule**

5. All NO<sub>x</sub> and SO<sub>2</sub> CEMS must be installed, calibrated, and certified according to the following schedule:

<b><u>Facility</u></b>	<b><u>NO<sub>x</sub> and SO<sub>2</sub> CEMS Installation Date</u></b>	<b><u>NO<sub>x</sub> and SO<sub>2</sub> CEMS Certification Date</u></b>	<b><u>NO<sub>x</sub> and SO<sub>2</sub> CEMS Certification Report Submittal Date</u></b>	<b><u>CEMs Final Report Due To EPA</u></b>
Borger dryer stack EPN 122	March 1, 2017	April 1, 2017	May 1, 2017	150 operating days after certification + 60 calendar days (see par. 16)
Borger boiler stack EPN 119	March 1, 2017	April 1, 2017	May 1, 2017	150 operating days after certification + 60 calendar days (see par. 16)

#### **Installation and Flow Monitor Requirements**

6. All NO<sub>x</sub> and SO<sub>2</sub> CEMS must be installed in accordance with 40 C.F.R. Part 60, Appendix B, Performance Specification 2, Section 8.0.
7. Each flow monitor must be installed in accordance with 40 C.F.R. Part 60, Appendix B, Performance Specification 2, Section 6.0
8. Each flow monitor must be installed, calibrated, maintained, and operated in accordance with the manufacturer's guidance and recommendations.

#### **Performance Specifications and CEMs Tests:**

9. Calibration drift (CD) tests on the SO<sub>2</sub> and NO<sub>x</sub> CEMS must be conducted in accordance with 40 C.F.R. Part 60, Appendix B, Performance Specification 2, Section 8.3.
10. Relative Accuracy Test Audits (RATA) for the SO<sub>2</sub> and NO<sub>x</sub> CEMS must be conducted in accordance with 40 C.F.R. Part 60, Appendix B, Performance Specification 2 and 6, The RATA will be conducted on the basis of the standard emission rate in lb/hr. SRCC does not need to conduct individual RATA for each component analyzer of the CEMs.
11. The SO<sub>2</sub> and NO<sub>x</sub> CEMS must meet the performance specifications at 40 C.F.R. Part 60, Appendix B, Performance Specification 2, Section 13.1 – 13.3.

#### **Additional Requirements:**

12. All monitors installed in accordance with this information request must meet all of the applicable requirements of 40 C.F.R. § 60.13.



13. Once installed, tested, and certified, all monitors must operate and collect emissions data for a period of 150 operating days. During this monitoring period, SRCC must operate the facility being monitored in normal operating mode. The emission data for NO<sub>x</sub> and SO<sub>2</sub> shall be expressed in parts per million by mass (pmm), flow monitoring data in standard cubic feet per hour (scf/hr), and the emission rates in pounds per hour (lb/hr).
14. SRCC shall submit the CEMs certification report according to the schedule in request paragraph 5.
15. In the final report submitted according to the schedule in request paragraph 5, SRCC must provide the following data collected during the period of CEMs operation:
  - a. daily NO<sub>x</sub> and SO<sub>2</sub> concentration and emission data (ppm, lb/hr);
  - b. production data (separated by reactor) in tons per day;
  - c. hours of operation (separated by reactor) per day;
  - d. daily average oil feed rate to all reactors (separated by reactor) in pounds per hour and gallons per hour;
  - e. daily average sulfur content of the oil fed to each reactor (separated by reactor);
  - f. daily amount of reactor offgas sent to each monitored unit (i.e. incinerator) in scfm;
  - g. daily amount of any other fuel fed to all reactors (separated by reactor); and
  - h. an explanation of the method that these data were calculated.
16. All information required pursuant to this information request shall be submitted to the addresses listed in the cover letter. Information pursuant to this request must be submitted within 60 calendar days following the conclusion of the 150 operating days for each emission point required in this information request. Data is to be submitted in an electronic format compatible and able to be manipulated by Microsoft Excel.
17. The EPA reserves the right to modify, amend, or supplement this information request as it deems necessary.

**Enclosure 3**  
**Statement of Certification**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines or imprisonment.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

## **Enclosure 4**

### **Confidential Business Information Assertion and Substantiation Requirements**

#### **A. Assertion Requirements**

You may assert a business confidentiality claim covering all or part of the information requested in response to this information request, as provided in 40 C.F.R. Section 2.203(b). You may assert a business confidentiality claim covering such information by placing on (or attaching to) the information you desire to assert a confidentiality claim, at the time it is submitted to the EPA, a cover sheet, stamped, or typed legend (or other suitable form of notice) employing language such as “trade secret” or “proprietary” or “company confidential.” Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by the EPA. If you desire confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Section 114(c) of the Clean Air Act (the Act) and 40 C.F.R. Part 2. The EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

#### **B. Substantiation Requirements**

All confidentiality claims are subject to the EPA verification in accordance with 40 C.F.R. Part 2, subpart B. The criteria for determining whether material claimed as confidential is entitled to such treatment are set forth at 40 C.F.R. Sections 2.208 and 2.301, which provide, in part, that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent; and the disclosure of the information is likely to cause substantial harm to your business’s competitive edge.

Pursuant to 40 C.F.R. Part 2, subpart B, the EPA may at any time send you a letter asking you to substantiate fully your CBI claim. If you receive such a letter, you must provide the EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and the EPA may release the information. If you receive such a letter, the EPA will ask you to specify which portions of the information you consider confidential. You must be specific by page, paragraph, and sentence when identifying the information subject to your claim. Any information not specifically identified as subject to a confidentiality claim may be disclosed without further notice to you. For each item or class of information that you identify as being subject to CBI, you must answer the following questions, giving as much detail as possible, in accordance with 40 C.F.R. 2.204(e):



1. What specific portions of the information are alleged to be entitled to confidential treatment? For what period of time do you request that the information be maintained as confidential, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to the EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?
7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to the EPA of similar information in the future.
8. Any other issue you deem relevant.



Please note that emission data provided under Section 114 of the Act, 42 U.S.C. Section 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, subpart B.

Emission data means, with reference to any source of emission of any substance into the air:

- A. Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;
- B. Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and
- C. A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. Sections 2.301(a)(2)(i)(A), (B) and (C).

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.